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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,174	05/04/2006	Tsunehiro Higashinaka	290666US2PCT	5188

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CHAN, KAWING

ART UNIT	PAPER NUMBER
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2837

NOTIFICATION DATE	DELIVERY MODE
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03/09/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/578,174	Applicant(s) HIGASHINAKA, TSUNEHIRO	
	Examiner Kawing Chan	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/04/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 05/04/06 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Nomura (US 5,234,079).

In Re claim 1, with reference to Figure 3, Nomura discloses a safety device (15) for an elevator (11) comprising:

A pair of pivot levers (33, 34) provided to a car (11) guided by a guide rail (12), the pair of pivot levers being pivotable about a pair of pivot shafts (31, 32) that are parallel to each other;

A plurality of braking members (35, 36) each provided to each of the pivot levers (33, 34), the plurality of braking members being capable of coming into and out of contact with the guide rail (12) through pivotal movement of the pivot levers (33, 34);

A connecting member (39a) connected between the pivot levers (33, 34); and

An electromagnetic actuator (16, 39) for causing the connecting member (39a) to undergo reciprocating displacement to pivot the pivot levers (33, 34) in a direction for bringing the braking members (35, 36) into and out of contact with the guide rail (12) (Col 3 lines 22-42).

In Re claim 2, with reference to Figure 3, Nomura discloses the connecting portions of the connecting member (39a) with the pivot levers (33, 34) are arranged on the same side with respect to a plane containing axes of the pivot shafts (31, 32) (the connecting bar is located below both of the pivot shafts); and

The electromagnetic actuator causes the connecting member (39a) to undergo reciprocating displacement in a direction perpendicular to the plane (moving up and down).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nomura (US 5,234,079) as applied to claim 1 above, and further in view of Woodruff et al. (US 5,782,319).

In Re claim 3, Nomura discloses the claimed invention except the connecting portions of the connecting member with the pivot levers are arranged on different sides, and the actuator causes the connecting member to undergo reciprocating displacement along a straight line.

However, with reference to Figures 1-2 & 7-8, Woodruff discloses a safety device (44) for an elevator (22) comprising: connecting portions (118) of the connecting member (116) with the pivot levers (112) are arranged on different sides (Figure 7) with respect to a plane containing axes of the pivot shafts (110, 120), and the actuator (50) causes the connecting member (116) to undergo reciprocating displacement along a straight line connecting between the connecting portions (118) (Col 4 lines 15-46).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have combined the safety device disclosed in Nomura with the safety device configuration as disclosed by Woodruff. Woodruff suggests its invention requires fewer components for the braking device on an elevator (Col 1 line 19-34). All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combinations would have yielded

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predictable results to one of ordinary skill in the art at the time of the invention was made.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maury, Nakai et al, Rebillard et al. and Darwent et al. are further cited to show related teachings in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Kawing Chan
Examiner
Art Unit 2837

/Lincoln Donovan/
Supervisory Patent Examiner, Art Unit 2816